# Minutes July 2, 2001

Court convened at 8:30am

Panel 1

Present:

McKinster, Acting P.J.

Ward, J.

Richli, J.

Ann Dee Smith, Deputy Clerk

#### E027874 Raul Wilson et al. v. David Kuzmich et al.

Merits. Cause called and Yvonne M. Renfrew, Esq., argued for appellants; John F. Walsh, Esq., argued for respondents. Cause submitted.

Court recessed.

Court reconvened at 9:00am

Panel 1a

Present:

Ramirez, P.J.

Richli, J.

Ann Dee Smith, Deputy Clerk

#### E027841 ComputerXpress v. Lee Jackson et al.

Merits. Cause called and Yvonne M. Renfrew, Esq., argued for appellants; Douglas S. Phillips, Esq., argued for respondent. Cause submitted.

Court recessed.

Court reconvened at 9:00am

Panel 1b

Present:

McKinster, Acting P.J.

Ward, J.

Gaut, J.

Ann Dee Smith, Deputy Clerk

#### E027064 Chippewa Enterprises, Inc. v. Dinwiddie Construction et al.

Merits. Cause called and Philip W. Bartenetti, Esq., argued for appellant; Sandra S. Wetzler, Esq., argued for respondent Langdon Wilson Architects; Richard H. Nakamura, Esq., argued for respondent Dinwiddie Construction Company. Cause submitted.

#### E027824 Nicholas Spirtos, as Administrator, etc. v. Michelle Spirtos

Merits. Cause called and Jon J. Eardley, Esq., argued for appellant; Bryan C. Hartnell, Esq., argued for respondent. Cause submitted.

#### E029040 Louis Gerzsenyi et al. v. Bank of America; François Madath

Merits. Cause called and Pamela A. Dempsey, Esq., argued for appellant Louis Gerzsenyi; Karen O. Strauss, Esq., argued for appellant Bank of America; Susan Graham Lovelace, Esq., argued for appellant John McGlothin. Cause submitted.

#### **E029055** Fidelity National Title Insurance Co v. Brian Kyle

Merits. Cause called and Gary Waldron, Esq., argued for appellant; Jerry Hager, Esq., argued for respondent. Cause submitted.

Court recessed.

Court reconvened at 1:30pm

Panel 2

Present:

McKinster, Acting P.J.

Ward, J.

Gaut, J.

Madeline Mozee, Deputy Clerk

#### **E029059 Ronald J. Novello v. County of Orange**

Merits. Cause called and John F. Hendry, Esq., argued for appellant; Nancy Zeltzer, Esq., argued for respondent. Cause submitted.

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## E027556 James Flory et al. v. City of Murrieta et al.

Merits. Cause called and Skip Southwick and Gordon Dayton, Esq., argued for appellants; Joe McMillin, Esq., argued for respondent City of Murrieta; Jane G. Kearl, Esq., argued for respondent Fiesta Development, Inc. Cause submitted.

#### E027721 Donald W. Doerr v. Protective Life Insurance Company

Merits. Cause called, no appearance by appellant in propria persona; Christopher Lockwood, Esq., appeared for respondent. No arguments made. Cause submitted.

Court adjourned.

# E027904 People v. Felicia Y. Washington

### **Opinion**

Judgment affirmed.

Hollenhorst, Acting P. J.

We concur: Ward, J., Gaut, J.

# E027665 Vagan Sultanyan v. County of Riverside

#### **Opinion**

Judgment reversed.

Richli, J.

We concur: McKinster, Acting P.J., Ward, J.

# **E028613** People v. Christopher G. Whitehair

#### **Opinion**

Judgment affirmed.

Ramirez, P.J.

We concur: McKinster, J., Gaut, J.

# Minutes July 3, 2001

Court convened at 8:30am

Panel 3
Present:
Ramirez, P.J.
Hollenhorst, J.
McKinster, J.
Yolanda Burns, Deputy Clerk

#### **E026271** People v. Abraham Preciado

Merits. Cause called and Carmela F. Simoncini, Esq., argued for appellant; William M. Wood, Deputy Attorney General, argued for respondent. Cause submitted.

#### **E026505** People v. Raymundo Roman

Merits. Cause called and John L. Staley, Esq., argued for appellant; Scott C. Taylor, Deputy Attorney General, argued for respondent. Cause submitted.

## E027363 People v. Lonnie D. Chatman E029030\* In re Lonnie D. Chatman on Habeas Corpus

Merits. Cause called and Doris S. Browning, Esq., argued for appellant; Robert B. Shaw, Deputy Attorney General, argued for respondent. Cause submitted. \*Considered with the appeal.

Court recessed.

Court reconvened at 9:00am

Panel 4

Present:

Richli, Acting P.J.

Ward, J.

Gaut, J.

Paula Garcia, Deputy Clerk

# E027823 In re Daniel H., a Person Coming Under the Juvenile Court Law DCS v. Daniel H.

Merits. Cause called and John L. Dodd, Esq., argued for appellant; Regina A. Coleman, Esq., argued for respondent. Cause submitted.

# E028192 In re Desiree W., a Person Coming Under the Juvenile Court Law. DCS v. Rudy M.

Merits. Cause called and Patti L. Dikes, Esq., argued for appellant; Regina A. Coleman, Esq., argued for respondent; no appearance on behalf of minor. Cause submitted.

#### **E028104** People v. Kevin Alexander Weathers

Merits. Cause called and Philip I. Bronson, Esq., argued for appellant; Lora Fox Martin, Deputy Attorney General, argued for respondent. Cause submitted.

#### **E028735** People v. Josephine Santa Cruz

Merits. Cause called and Zo Taylor-Rees, Esq., argued for appellant; Lora Fox Martin, Deputy Attorney General, argued for respondent. Cause submitted.

## E027211 People v. William W. Vernon

Merits. Cause called and Ronald Talmo, Esq., argued for appellant; Robert B. Shaw, Deputy Attorney General, argued for respondent. Cause submitted.

#### **E028089** Brent Wooten v. Superior Court; The People

Merits. Cause called and Roger Jon Diamond, Esq., argued for petitioners; Mary L. Andonov, Deputy District Attorney, argued for real party in interest. Cause submitted.

Court adjourned.

# E027649 People v. Elijah Edmund Gilmore Opinion

Judgment affirmed.

Gaut, J.

We concur: Hollenhorst, Acting P.J., Ward, J.

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#### E026256 People v. Ricardo Cruz

#### **Opinion**

Judgment affirmed.

Hollenhorst, Acting P.J.

We concur: Ward, J., Gaut, J.

# E028616 In re Cody T. et al., Persons Coming Under the Juvenile Court Law. Department of Public Social Services v. Joey T. et al.

#### **Opinion**

Judgment affirmed.

Richli, Acting P.J.

We concur: Ward, J., Gaut, J.

## **E028131** Wayne Hobbs v. Snow Summit, Inc.

### **Opinion**

Judgment affirmed.

Ramirez, P.J.

We concur: Richli, J., Ward, J.

# E028480 In re Yvette B. et al., Persons Coming Under the Juvenile Court Law Department of Children's Services v. Richard B.

#### **Opinion**

Judgment affirmed.

Hollenhorst, Acting P.J.

We concur: Ward, J., Gaut, J.

#### E026451 Prevalior Limited v. MKA Cabazon Partnership

## **Opinion**

Judgment reversed.

Ward, J.

We concur: Ramirez, P.J., McKinster, J.

#### **E029271** People v. Michael Tafoya

Petition for rehearing granted.

Minutes July 4, 2001

Holiday.

## Minutes July 5, 2001

# E027609 Abraham Tamayo v. Sami Srour

**Modification of** 

### **Opinion**

No change in judgment.

Richli, J.

We Concur: McKinster, Acting P.J., Ward, J.

# E027563 Guardianship of Robert P., a Minor Brooks R. et al. v. Russell P.

#### **Opinion**

Judgment affirmed.

Ward, J.

We concur: Ramirez, P.J., McKinster, J.

#### E026486 People v. Joshua Casper Hagan

# **Opinion**

Judgment affirmed.

Ward, J.

We concur: Hollenhorst, Acting P.J., Richli, J.

### E025630 People v. Jamie Reid Kilgore

#### **Opinion**

Judgment affirmed.

Ward, J.

We concur: Richli, Acting P.J., Gaut, J.

# E029118 Jerald B. Higgins v. Toshiba America Information Systems, Inc.

#### **Opinion**

Judgment affirmed.

Ward, J.

We concur: Ramirez, P.J., McKinster, J.

#### E028958 People v. Ronald L. Sharp

### **Opinion**

Judgment affirmed.

Ramirez, P.J.

We concur: Richli, J., Ward, J.

### E028428 People v. Patrick Dewayne Bradford

### **Opinion**

Judgment affirmed in part; reversed in part with directions.

Gaut, J.

We concur: Hollenhorst, Acting P.J., Ward, J.

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E029175 Jared P. et al. v. Superior Court; Department of Children's Services. Petition for rehearing denied.

E028525 In re Katelyn L., a Person Coming Under the Juvenile Court Law. Department of Children's Services v. Phillip L. et al.

### **Opinion**

Judgment affirmed.

Ward, J.

We concur: Hollenhorst, Acting P.J., Gaut, J.

## Minutes July 6, 2001

# E029236 In re Rachel D. et al., Persons Coming Under the Juvenile Court Law. Department of Public Social Services v. Sophia S.

#### **Opinion**

Judgment affirmed.

McKinster, J.

We concur: Ramirez, P.J., Gaut, J.

#### **E027369** Michael Ackerman v. Truck Insurance Exchange

#### **Opinion**

Judgment affirmed.

Gaut, J.

We concur: Hollenhorst, Acting P.J., Richli, J.

#### E027556 James Flory et al. v. City of Murrieta et al.

## **Opinion**

Judgment affirmed.

Ward, J.

We concur: McKinster, Acting P.J., Gaut, J.

### **E028489** People v. Ronnie Gene Moore

#### **Opinion**

Judgment affirmed with directions.

Gaut, J.

We concur: Ramirez, P.J., McKinster, J.

#### **E027208** People v. Rodney Patrick McNeal

Appellant's petition for rehearing denied.

#### E027121 People v. Simi Malaki Lavea

#### **Opinion**

Judgment affirmed.

Gaut, J.

We concur: Ramirez, P.J., McKinster, J.

#### **E026903** In re Crystal M., a Person Coming Under the Juvenile Court Law.

#### People v. Crystal M.

Appellant's petition for rehearing denied.

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# E027823 In re Daniel H., a Person Coming Under the Juvenile Court Law. Department of Children's Services v. Daniel H.

### **Opinion**

Judgment reversed with directions.

Gaut, J.

We concur: Richli, Acting P.J., Ward, J.

# E028192 In re Desiree W., a Person Coming Under the Juvenile Court Law. Department of Children's Services v. Rudy M.

#### **Opinion**

Judgment affirmed.

Gaut, J.

We concur: Richli, Acting P.J., Ward, J.

#### **E028442** People v. Kent Edward Browner

## **Opinion**

Judgment affirmed.

Gaut. J.

We concur: Ramirez, P.J., McKinster, J.

### **E027721 Donald W. Doerr v. Protective Life Insurance Company**

#### **Opinion**

Judgment affirmed.

Ward, J.

We concur: McKinster, Acting P.J., Gaut, J.

# E027402 In re Joel D., a Person Coming Under the Juvenile Court Law. People v. Joel D.

#### **Opinion**

Judgment affirmed.

#### **E028798\*** In re Joel D. on Habeas Corpus

Petition denied.

Ward, J.

We concur: Hollenhorst, Acting P.J., Gaut, J.

\*Considered with the appeal.

#### **E027211** People v. William Willie Vernon

#### **Opinion**

Judgment affirmed.

Gaut, J.

We concur: Richli, Acting P.J., Ward, J.

# E027064\* Chippewa Enterprises, Inc. v. Dinwiddie Construction et al. Opinion

Judgment affirmed.

#### E028492\* In re Chippewa Enterprises, Inc. on Error Coram Vobis

Petition denied.

Gaut, J.

We concur: McKinster, Acting P.J., Ward, J.

\*Consolidated.

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#### **E027824** Estate of Basil Spirtos, Deceased.

Nicholas Spirtos, as Administrator, etc. v. Michelle Spirtos

#### **Opinion**

Judgment affirmed.

Gaut, J.

We concur: McKinster, Acting P.J., Ward, J.

# **E029055** Fidelity National Title Insurance Company v. Brian Kyle Opinion

Judgment affirmed.

Gaut, J.

We concur: McKinster, Acting P.J., Ward, J.

#### **E029059** Ronald J. Novello v. County of Orange

#### **Opinion**

Judgment affirmed.

Gaut. J.

We concur: McKinster, Acting P.J., Ward, J.

#### E028614 People v. Bonnie J. Cambalik

#### **Opinion**

Judgment affirmed.

Ward, J.

We concur: Hollenhorst, Acting P.J., Gaut, J.

# E027667 In re the Marriage of Karen and Randy Whitchurch Opinion

Karen Whitchurch v. Randy Whitchurch

Judgment affirmed.

McKinster, J.

We concur: Hollenhorst, Acting P.J., Gaut, J.

Minutes July 9, 2001

No minutes for July 9, 2001.

## Minutes July 10, 2001

#### **E028190** People v. Jose Velasco

#### **Opinion**

Judgment affirmed in part and reversed in part.

Richli, J.

We concur: Hollenhorst, Acting P.J., Ward, J.

# E028331 In re Simon M., a Person Coming Under the Juvenile Court Law. People v. Simon M.

#### **Opinion**

Judgment affirmed.

McKinster, J.

We concur: Ramirez, P.J., Gaut, J.

#### E026149 People v. John V. Diaz

### **Opinion**

Judgment affirmed.

Richli, J.

We concur: Hollenhorst, Acting P.J., Ward, J.

### E027361 Josephine Lucas Ruiz v. Alfonso G. Reyes

#### **Opinion**

Judgment reversed.

Hollenhorst, J.

I concur: Gaut. J.

I concur by opinion: Ramirez, P.J

#### E027020 Bruce J. Yeaton v. Snow Valley Ski Resort, Inc.

#### **Opinion**

Judgment affirmed.

Ramirez, P.J.

I concur: Richli, J.

I dissent: Gaut, J.

#### E028488 In re Nathan C.; a Person Coming Under the Juvenile Court Law.

# People v. Nathan C.

# **Opinion**

Judgment affirmed.

Richli, J.

We concur: Hollenhorst, Acting P.J., Ward, J.

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# E027928 People v. Michael Ray Merrick Opinion

Judgment affirmed with directions.

Richli, J.

We concur: Hollenhorst, Acting P.J., McKinster, J.

## Minutes July 11, 2001

# E027703 In re Charles B., a Person Coming Under the Juvenile Court Law People v. Charles B.

#### **Opinion**

Judgment affirmed.

Richli, J.

We concur: Hollenhorst, Acting P.J., Ward, J.

#### E027874 Raul Wilson et al. v. David Kuzmich et al.

#### **Opinion**

Judgment affirmed.

Ward, J.

I concur: Richli, J.

I dissent: McKinster, Acting P.J.

# **E028735** People v. Josephine Santa Cruz

#### **Opinion**

Appeal dismissed. Richli, Acting P.J.

We concur: Ward, J., Gaut, J.

## Minutes July 12, 2001

# E029050 Ashraf Soliman v. State of California

#### **Opinion**

Judgment dismissed in part and affirmed in part.

McKinster, J.

We concur: Hollenhorst, Acting P.J., Gaut, J.

## **E028104** People v. Kevin Alexander Weathers

# **Opinion**

Judgment affirmed.

Richli, Acting P.J.

We concur: Ward, J., Gaut, J.

### E026271 People v. Abraham Preciado

#### **Opinion**

Judgment affirmed as modified.

Hollenhorst, J.

We concur: Ramirez, P.J., McKinster, J.

#### **E027363** People v. Lonnie D. Chatman

#### **Opinion**

Judgment affirmed.

### **E029030\*** In re Lonnie Donnell Chatman, on Habeas Corpus

Petition denied.

McKinster, J.

We concur: Ramirez, P.J., Hollenhorst, J.

\*Considered with the appeal.

# E029282 In re Sara C. et al., Persons Coming Under the Juvenile Court Law. Department of Children's Services v. Carol C. et al.

#### **Opinion**

Judgment affirmed.

McKinster, J.

We concur: Ramirez, P.J., Gaut, J.

#### E028304 People v. Nathanael Keith

#### **Opinion**

Judgment affirmed.

Hollenhorst, Acting P. J.

We concur: Richli, J., Ward, J.

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#### **E028569** People v. Demonte Marquet Dixon

#### **Opinion**

Judgment affirmed.

Hollenhorst, Acting P.J.

We concur: Richli, J., Ward, J.

#### **E028479** County of Riverside v. Gary Anthony Somma

#### **Opinion**

Judgment affirmed.

Gaut, J.

We concur: Hollenhorst, Acting P.J., McKinster, J.

# E029189 In re Jesse D. et al., Persons Coming Under the Juvenile Court Law. Department of Children Services v. Deana F.

#### **Opinion**

Judgment affirmed.

Gaut, J.

We concur: Ramirez, P.J., McKinster, J.

#### E027927 People v. Joseph Wells

#### **Opinion**

Judgment affirmed.

McKinster, J.

We concur: Ramirez, P.J., Gaut, J.

### E028376 People v. Steven Wayne Hardy

#### **Opinion**

Judgment affirmed.

Hollenhorst, Acting P.J.

We concur: Richli, J., Ward, J.

# Minutes July 13, 2001

## E027368 People v. Michael D. Williams

Appellant's petition for rehearing is denied.

## E029040 Louis Gerzsenyi et al. v. Bank of America; Francois Madath Opinion

Judgment affirmed in part; reversed in part.

Gaut, J.

We concur: McKinster, Acting P.J., Ward, J.

# E027748 People v. Richard T. Channing Opinion

Judgment affirmed.

Richli, J.

We concur: Hollenhorst, Acting P.J., Ward, J.

# E028927 People v. Richard Contreras Opinion

Judgment affirmed.

Gaut, J.

We concur: Ramirez, P.J., McKinster, J.

## Minutes July 16, 2001

# E028078 James M. Hayes et al. v. Marilyn J. Garcelon Opinion

Judgment affirmed.

McKinster, J.

We concur: Hollenhorst, Acting P.J., Gaut, J.

# E027841 ComputerXpress v. Lee Jackson et al. Opinion

Judgment affirmed in part and reversed in part..

Richli, J.

We concur: Ramirez, P.J., Hollenhorst, J.

# E028047 People v. Ronald James Brown Opinion

Judgment affirmed.

Richli, J.

We concur: Hollenhorst, Acting P.J., Ward, J.

## E027385 People v. Anthony Richard Tapia Opinion

Judgment affirmed.

Richli, J.

We concur: Hollenhorst, Acting P.J., Ward, J.

## Minutes July 17, 2001

#### E027650 People v. Matthew A. Wade

#### **Opinion**

Judgment affirmed.

Ramirez, P.J.

We concur: McKinster, J., Gaut, J.

#### **E028298** People v. Luis Allan Chades

#### **Opinion**

Judgment affirmed.

Ramirez, P.J.

We concur: McKinster, J., Gaut, J.

# E027598 In re Jimmy S., a Person Coming Under the Juvenile Court Law. Department of Public Social Services v. Laurie L. et al.

#### **Opinion**

Judgment reversed.

Hollenhorst, Acting P.J.

We concur: McKinster, J., Richli, J.

## **E028411** People v. Rodney Cliff Eastin

#### **Opinion**

Judgment reversed with directions.

Ramirez, P.J.

We concur: McKinster, J., Gaut, J.

# E028253 In re Rosalie A., a Person Coming Under the Juvenile Court Law. People v. Rosalie A.

#### **Opinion**

Judgment affirmed.

Richli, J.

We concur: Hollenhorst, Acting P.J., Ward, J.

#### **E028113** People v. Thomas Jerome Watson

#### **Opinion**

Judgment affirmed as modified.

Richli, J.

We concur: Hollenhorst, Acting P.J., Ward, J.

# E028443 People v. Leo Paul Martinez

# **Opinion**

Judgment affirmed.

Richli, J.

We concur: Hollenhorst, Acting P.J., Ward, J.

Minutes July 18, 2001

No Minutes for July 18, 2001.

## Minutes July 19, 2001

E028206 In re Kaeloni S., a Person Coming Under the Juvenile Court Law. Department of Children's Services v. Veronica C.

#### **Opinion**

Judgment affirmed.

McKinster, J.

We concur: Ramirez, P.J., Gaut, J.

E028599 Gilbert Ayala & Sons, Inc. v. Fidelity & Deposit Company of Maryland

#### **Opinion**

Judgment reversed.

Ward, J.

We concur: Ramirez, P.J., McKinster, J.

E028595 In re Joseph A., a Person Coming Under the Juvenile Court Law. Department of Children's Services v. Rosa R.

#### **Opinion**

Judgment affirmed.

Richli, J.

We concur: Ramirez, P.J., McKinster, J.

## Minutes July 20, 2001

E028917 In re Nathan C., a Person Coming Under the Juvenile Court Law; Department of Public Social Services v. Janet S.

#### **Opinion**

Judgment affirmed.

McKinster, J.

We concur: Ramirez, Acting P.J., Richli, J.

E028769 Etha Sabel v. Perris City Council et al. E029309 Etha Sabel v. Perris City Council et al.

On Court's own motion, the appeals are consolidated for all purposes. E028769 designated the master file.

# Fourth District, Division 2 Riverside, California

Minutes July 23, 2001

E028119 People v. Jake Raper Opinion Judgment affirmed.

Ramirez, P.J.

We concur: McKinster, J., Gaut, J.

Minutes July 24, 2001

# E026505 People v. Raymundo Roman Opinion

Judgment affirmed. Hollenhorst, J.

We concur: Ramirez, P.J., McKinster, J.

Minutes July 25, 2001

# E028324 People v. Frederick Bennett Opinion

Judgment affirmed. Ramirez, P.J.

We concur: Hollenhorst, J., Ward, J.

## Minutes July 26, 2001

#### E028800 People v. William J. Cobb

#### **Opinion**

Judgment affirmed with directions.

Ramirez, P.J.

We concur: McKinster, J., Gaut, J.

#### E028761 People v. Uriel Pineda

#### **Opinion**

Judgment affirmed.

Ramirez, P.J.

We concur: McKinster, J., Gaut, J.

### **E027915** People v. Kimothy Roscoe McCray

#### **Opinion**

Judgment affirmed.

McKinster, J.

We concur: Ramirez, P.J., Gaut, J.

# E028886 In re Martin C., a Person Coming Under the Juvenile Court Law. People v. Martin C.

#### **Opinion**

Judgment affirmed.

McKinster, J.

We concur: Ramirez, P.J., Gaut, J.

#### **E029013** People v. Ronald Von Heitman

#### **Opinion**

Judgment affirmed.

Ramirez, P.J.

We concur: McKinster, J., Gaut, J.

#### E027808 People v. Jon M. Nelson

#### **Opinion**

Judgment affirmed.

Hollenhorst, J.

We concur: Ramirez, P.J., Ward, J.

# E027678 Joan Fitzsimmons as Trustee, etc. v. Priscilla Clasen et al.

# **Opinion**

Judgment affirmed.

Gaut, J.

We concur: Ramirez, P.J., Hollenhorst, J.

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# E027564 People v. Brian Park

#### **Opinion**

Judgment affirmed.

McKinster, J.

We concur: Ramirez, P.J., Gaut, J.

# **E027994** People v. Tyrone Michael Luciano

#### **Opinion**

Judgment affirmed with directions.

Gaut, J.

We concur: Ramirez, P.J., McKinster, J.

# Minutes July 27, 2001

# E027742 People v. Ruben Solis Huizar Opinion

Judgment affirmed with directions.

**E028819\*** In re Ruben Solis Huizar on Habeas Corpus

Petition denied.

Gaut, J.

We concur: Ramirez, P.J., McKinster, J.

\*Considered with the appeal.

# Minutes July 30, 2001

# E028384 Gene Venegar v. Riverside County Dept. of Mental Health Opinion

Judgment affirmed.
McKinster, Acting P.J.

We concur: Hollenhorst, J., Ward, J.

Minutes July 31, 2001

E028406 Faye Brown v. Robert White Opinion

Judgment affirmed.

McKinster, J.

We concur: Hollenhorst, Acting P.J., Gaut, J.